

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.510 OF 2024

Vahid Abdul Sabir Shaikh Applicant

versus

State of Maharashtra Respondent

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- Mr. Rizwan Merchant a/w Sultan Khan & S. M. M. Owais T. Jahagirdar i/b. Arif Siddique, Khawaja Sheikh, Advocate for Applicant.
- Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd FEBRUARY, 2024

P.C. :

1. Leave to amend, to annex proper copy of the FIR and the order passed by the Sessions Court. Amendment shall be carried out within a period of two weeks.

2. The Applicant is seeking anticipatory bail in connection with C.R.No.126/2024, dated 05/02/2024, registered with Ghatkopar Police Station, Mumbai, under sections 353, 332, 333, 341, 336, 337, 338, 141, 143, 145, 147, 149 of the Indian

Penal Code, under section 7 of the Criminal Law (Amendment) Act, 1932 and u/s 37 (1), 37(3) and 135 of the Maharashtra Police Act.

3. Heard Mr. Rizwan Merchant, learned counsel for the Applicant and Ms. Rajeshree V. Newton, learned APP for the State.
4. At the outset, learned APP seeks time as she does not have instructions in this matter. On her request today I am adjourning the matter. However, since the matter is being adjourned, I have heard learned counsel for the Applicant for consideration of ad-interim relief.
5. The FIR is lodged by PI Ganesh Jadhav, attached to Ghatkopar Police Station. On 04/02/2024, the Gujarat ATS police officers came to Ghatkopar Police Station. They were searching for the accused named Mufti Salman Ajhari residing at Ghatkopar, in connection with the offence registered at Junagad Police Station u/s 153-B, 505(2), 188, 114 of the IPC.

The police officers of Ghatkopar police station along with the team of Gujarat police went to the house of the said Ajhari. He was not opening the door of his house. Subsequently, when he opened the door, he was not cooperating with the investigation. Therefore, he was brought to Ghatkopar police station. That was around 02.30 p.m. Slowly, his supporters started gathering outside the Ghatkopar police station. At 05.30 p.m. around 1000 people gathered. They were demanding to release Ajhari. The police sought help of different divisions of SRPF and Riot Control Squad. The crowd was becoming uncontrollable. The FIR mentions that some members from the crowd started pelting stones on the police. About 9 police personnel suffered injuries. The police started mild Lathi Charge. One of the members of the crowd Salman Ishtiyah was apprehended. Another person Azim Shaikh was also apprehended. The FIR mentions that the local police identified some of the persons who were pelting stones. List of 16 persons is mentioned in the FIR. The Applicant is mentioned at Sr.No.7 in that list.

6. Learned counsel for the Applicant submitted that the Applicant himself had gone to the house of the said Ajhari as he had received a call from Ajhari. The Applicant is a lawyer by profession. Therefore, he was to defend Ajhari at his request. Mr. Merchant submitted that the Applicant was throughout present in front of the police when Ajhari was taken to the police station. At the police station also, a request was made to the Applicant to tell the crowd to keep peace. He submitted that in the night, proceeding related to transit remand for Ajhari was taken before the Magistrate. At that time, the Applicant had filed his Vakilpatra for said Ajhari. Thus, he was throughout present before the police. Even after the proceedings of transit remand were over, the Applicant returned to the police station to collect the laptop. At that time, the concerned room was locked and he was informed that the laptop was taken by one of his colleagues. Mr. Merchant submitted that the Applicant has not taken part in the stone pelting. He was at the police station strictly in his capacity as an advocate for the said Ajhari. He is wrongly mentioned in the list in the FIR. He submitted that the CCTV of

the police station and of the mobile van outside the police station would corroborate these submissions. He submitted that if there is any iota of evidence showing that the Applicant has taken part in the actual stone pelting, he will not press this application. He submitted that the incident of stone pelting had taken place before 11.00 p.m. and yet the offence was registered at 05.30 a.m. on 05/02/2024 at Ghatkopar Police Station. Mr. Merchant submitted that there was no incident of stone pelting. There was only Lathi charge used by the investigating agency.

7. Learned APP submits that in case, ad-interim relief is granted, the Applicant be directed to attend the concerned police station.
8. Considering these submissions made by learned counsel for the Applicant, the Applicant can be protected by way of ad-interim relief today with the directions to attend the concerned police station and to cooperate with the investigation.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.126/2024, dated 05/02/2024, registered with Ghatkopar Police Station, Mumbai, till the next date, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station from 11/03/2024 to 14/03/2024 between 01.00 p.m. to 04.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- (iii) This order shall operate till 27/03/2024.
- (iv) Stand over to 27/03/2024.

(SARANG V. KOTWAL, J.)